

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

BURKE BOWERS, et al.

Plaintiffs,

v.

BB&T CORPORATION, et al.

Defendants.

No. 1:15-cv-732-CCE-JEP

**CONSENT MOTION FOR EXTENSION OF TIME TO ANSWER OR
OTHERWISE RESPOND TO PLAINTIFFS' CONSOLIDATED AMENDED
COMPLAINT AND TO ESTABLISH BRIEFING SCHEDULE AND
MOTION TO EXCEED PAGE LIMITS**

Pursuant to Fed. R. Civ. P. 6(b) and Local Rules 6.1 and 7.3(j), Defendants in the above-captioned matter respectfully submit the following Consent Motion for Extension of Time to Answer or Otherwise Respond to Plaintiffs' Consolidated Amended Complaint and to Establish Briefing Schedule and Motion to Exceed Page Limits (the "Motion"). In support of the Motion, Defendants show the Court as follows:

1. The plaintiffs in *Bowers v. BB&T Corp.*, No. 1:15-cv-732-CCE-JEP, filed their Complaint on September 4, 2015.
2. On October 2, 2015, the parties filed a Stipulation Regarding Responsive Pleadings to Complaint and Service of Process (ECF No. 16), in which all Defendants accepted service and all parties agreed that Defendants had until November 1, 2015 to answer or otherwise respond to the *Bowers* Complaint.

3. On October 5, 2015, the Court entered an Order (ECF No. 17), based on the parties' Stipulation, extending the time for all Defendants to answer or otherwise respond to the *Bowers* Complaint until on or before November 1, 2015.

4. On October 8, 2015, the plaintiffs in *Smith v. BB&T Corp.*, No. 1:15-cv-841-LCB-JEP filed their Complaint.

5. On October 23, 2015, Defendants filed consent motions in both *Bowers* and *Smith* for an extension of time until December 11, 2015 to answer or otherwise respond to the complaints in both cases. (ECF No. 23.) The Court entered an Order granting that motion on October 29, 2015. (ECF No. 26.)

6. On November 3, 2015, Plaintiffs filed their Motion to Consolidate and Appoint Interim Class Counsel. (ECF No. 27.)

7. On November 30, 2015, the Court entered an Order (ECF No. 33) granting the motion to consolidate, designating *Bowers* as the lead case, and authorizing Plaintiffs to file a Consolidated Amended Complaint.

8. Plaintiffs filed their Consolidated Amended Complaint on December 1, 2015, and Defendants' response is due on or before December 18, 2015. Accordingly, the time for Defendants to answer or otherwise respond to the Consolidated Amended Complaint has not expired.

9. Defendants anticipate filing a Motion to Dismiss all or a portion of the Consolidated Amended Complaint. Based on the agreement of the parties, Defendants

request a brief extension of time through and including December 23, 2015 for Defendants to file their Motion to Dismiss.

10. Based on the agreement of the parties, and in light of the intervening holidays and deadlines in other cases, Plaintiffs request 60 days, until February 22, 2016, to file their opposition to Defendants' Motion to Dismiss.

11. Based on the agreement of the parties, Defendants further request that Defendants have until March 23, 2016 to file any reply in support of the Motion to Dismiss.

12. All parties consent to the requested extension and the foregoing briefing schedule.

13. Separately, because this case involves complex legal issues related to the Employee Retirement Income Security Act ("ERISA") and the Consolidated Amended Complaint asserts eight separate counts, Defendants request that the Court increase the page limit for opening and responsive briefs to 30 pages, and the page limit for Defendants' reply brief to 15 pages. Defendants respectfully submit that the additional pages will facilitate the Court's consideration of the issues by enabling the parties to file comprehensive briefs.

14. Prior to filing the Motion, Defendants requested that Plaintiffs consent to an increase in the page limits to 35 pages for opening and responsive briefs and 15 pages for the reply brief. Plaintiffs indicated that they opposed that request and would agree to a 25-page limit for opening and responsive briefs and 12 pages for the reply.

15. Defendants subsequently reduced their request to 30 pages for opening and responsive briefs. Plaintiffs indicated that they did not agree to 30 pages.

WHEREFORE, Defendants respectfully request that the Court enter an order extending the time for Defendants file their Motion to Dismiss the Consolidated Amended Complaint to December 23, 2015, extending Plaintiffs' time to file a response to the Motion to Dismiss to February 22, 2016, and extending Defendants' time to file a reply to March 23, 2016. Defendants further request that the Court increase the page limitations for opening and responsive briefs to 30 pages, and increase the page limitations for the reply brief to 15 pages.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on December 7, 2015, a copy of the foregoing **CONSENT MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' CONSOLIDATED AMENDED COMPLAINT AND TO ESTABLISH BRIEFING SCHEDULE AND MOTION TO EXCEED PAGE LIMITS** was filed electronically with the Clerk of Court using the CM/ECF system which will automatically send notification of filing to the following:

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